

Fourth, claims 1-4 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. Re. 35,571 to McLeese ("McLeese"). Claims 1-4 and 6 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,676,168 to Price ("Price"). These rejections are respectfully traversed.

Since claim 1 has been amended to include the limitations of original claim 5 (as well as other limitations), and since claim 5 was not rejected solely based on either McLeese or Price, it is respectfully submitted that these Section 102(b) rejections based solely on McLeese and Price are now moot.

Fifth, claims 1-5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,778,915 to Zheng ("Zheng '915") in view of Price. This rejection is respectfully traversed.

The Examiner's courtesy in granting the undersigned a phone interview on January 18, 2002 is greatly appreciated. During this phone interview, the subject matter of claim 5 was discussed with respect to the teachings of Zheng '915 and Price. In particular, claim 1 has been amended to recite, among other things:

- (i) the limitations of claim 5 (i.e., wherein the first and second end edges extend beyond the outer periphery of the first panel);
- (ii) that the first and second panels are single panels;
- (iii) that the second panel is an upper panel; and
- (iv) that the first and second end edges extend beyond the outer periphery of the first panel to provide an extension between the first and second panels.

The undersigned pointed out during the phone interview that even if the combination of Zheng '915 and Price were proper, that this combination would still not provide all these limitations.

In addition, it is respectfully submitted that the combination of Zheng '915 and Price is not proper for a number of reasons:

- a. In addition to Price, there are numerous references (e.g., see McLeese and some of the Hazinski and Ivanovich references cited in the IDS) that disclose the general concept of a single upper panel that is connected to a base panel. However, none of these references teach or even remotely suggest extending the first and second end edges of the upper panel beyond the outer periphery of the base panel. Thus, if it were truly obvious to modify the two panels 22a, 22b in FIG. 1 of Zheng '915 or the three panels 52b, 52c, 52d in FIG. 6 of Zheng '915 to turn them into single

panels, why has there not been a reference (among the numerous references pointed out above) that has disclosed all the features recited in claim 1?

- b. Given the large number of references that disclose a single upper panel that is connected to a base panel, what incentive would a person skilled in the art have to consult the teachings of Zheng '915 in order to obtain the idea of extending the first and second end edges of the upper panel beyond the outer periphery of the base panel?
- c. Given the large number of references that disclose a single upper panel that is connected to a base panel, what incentive would a person skilled in the art have to use Zheng '915 as a primary reference to be modified in order to obtain a single upper panel?

For these reasons, it is respectfully submitted that the attempted combination of Zheng '915 and Price is improper, and is based on impermissible hindsight reconstruction. Thus, claim 1, and claims 2-4 and 71-72 depending therefrom, are submitted to be in condition for allowance.

In addition, new claims 71 and 72 have been added. Claim 71 recites that the connections of the first and second interconnecting pieces to the end edges of the second panel and the outer periphery of the first panel are not detachable, a feature which is not disclosed in FIG. 1 of Zheng '915. Claim 72 recites that the first and second interconnecting pieces are fabric pieces. In contrast, Price does not have any interconnecting pieces that can be considered fabric since the connector 26 in Price is made of aluminum (see column 4, lines 11-13 in Price).

In light of the above, allowance of all pending claims is respectfully solicited. The Examiner is invited to telephone the undersigned if there are any informal matters that can be resolved in a phone conversation, or if the Examiner has any suggestions or ideas that would further advance the prosecution of this case.

Respectfully Submitted,



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CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal service as First Class Mail in an envelope addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231 on the date shown below.

Date: March 21, 2002

By:


Raymond Sun

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Marked up replacement paragraphs: None

Marked up rewritten claims:

1. (Amended) A collapsible structure, comprising:

a single first base panel having a foldable frame member that has a folded and an unfolded orientation, and a material partially covering the frame member when the frame member is in the unfolded orientation, with the material assuming the unfolded orientation of its associated frame member, the first panel having an outer periphery;

a single second upper panel having a foldable frame member that has a folded and an unfolded orientation, and a material partially covering the frame member when the frame member is in the unfolded orientation, with the material assuming the unfolded orientation of its associated frame member, the second panel having opposing first and second end edges;

a first interconnecting piece [for coupling] that couples the first end edge of the second panel to the outer periphery of the first panel; and

a second interconnecting piece [for coupling] that couples the second end edge of the second panel to the outer periphery of the first panel;

wherein the first and second end edges extend beyond the outer periphery of the first panel to provide an extension between the first and second panels.